

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case no. 1:19-CR-253-TSE
	:	
KRISTOPHER DALLMANN	:	The Honorable T.S. Ellis, III
	:	
Defendant.	:	

**NOTICE OF VOLUNTARY APPEARANCE FOR TRIAL
AND MOTION TO MODIFY THE TRAVEL ORDER**

COMES NOW, the Defendant, Kristopher Dallmann, by counsel, and hereby provide notice of Mr. Dallmann's intent to appear voluntarily in the Eastern District of Virginia for this August 17, 2021 trial. Additionally, Mr. Dallmann, by counsel, and moves this Honorable Court to modify the travel order, specifically the arrival date.

On July 22, 2021, the Court granted Mr. Dallmann's motion for payment and arrangement of travel and lodging (Dkt. 559, 560). Mr. Dallmann requested an arrival date of August 10, 2021. However, the government filed a motion to amend the travel order (Dkt. 576), which the Court granted last Friday, August 6, 2021. (Dkt. 596). The order no longer required the United States Marshals Service to furnish Mr. Dallmann with funds for subsistence and fee expenses authorized as per diem allowance. Pursuant to the court order, the Marshals Service has to provide defendants with the authorized per diem allowance for their travel day only and not have to furnish lodging funds.

Since Mr. Dallmann is indigent, undersigned counsel followed the Court's order to contact Pretrial Services to arrange alternative housing. On Monday, August 9, 2021, undersigned counsel consulted about housing options with Mr. Dallmann's Pretrial Officer, Daniel Gillespie. Mr.

Gillespie advised that there is an extensive waitlist for halfway housing, and more importantly, Mr. Dallmann may be ineligible for a halfway or shelter housing. Additionally, I requested a written confirmation that counsel could file with the Court. Today, on August 10, 2021, undersigned counsel again contacted Mr. Gillispie; he confirmed there is zero option for a halfway house and the nearest house is in Baltimore, Maryland, approximately 80 miles away. Further, Pretrial Services do not have any additional funding options.

Mr. Gillispie referred me to Karen Riffle, a supervisor in Pretrial Services, who had also been researching lodging alternatives. It was Mr. Gillispie's understanding that Ms. Riffle would contact Chambers to advise the Court no alternative lodging is available. Undersigned counsel called Ms. Riffle and left her a voicemail to get confirmation to advise the Court. Although undersigned counsel has yet to receive confirmation from Ms. Riffle, counsel understands Pretrial Services cannot assist or provide Mr. Dallmann with lodging or alternative housing.

Given the uncertainty of lodging, undersigned counsel has not requested a travel itinerary, and Mr. Dallmann has yet to arrive in the District. Hence, Mr. Dallmann seeks to modify the travel order and change his arrival date from August 10, 2021 to August 16, 2021. In requesting the original arrival date of August 10, 2021, Mr. Dallmann's intent and desire to arrive in the Eastern District of Virginia well in advance of trial to attend the pretrial hearing on August 13, 2021 and continue trial preparation. Modifying the travel order, explicitly changing the arrival date to August 16, 2021, the day before trial will allow undersigned counsel and Mr. Dallmann more time to find lodging for him. Alternatively, change the travel arrival date to August 11, consistent with the Court's most recent August 10 order (Dkt. 619), or any date the Court deems necessary.

Undersigned counsel nor Mr. Dallmann respectfully submit that neither willful violated the Court's orders. Undersigned counsel acknowledges failure to provide the Court with a pleading,

travel itinerary, and affidavit as directed by July 23, 2023. (Dkt. 504). For that, counsel is sincerely apologetic for this Court for the unintentional oversight. As stated above, on July 22, 2021, Mr. Dallmann filed a Motion for Payment and Arrangement of Defendant's Travel and Lodging for Trial. (Dkt. 560). Mr. Dallmann requested "travel transportation from his home in Las Vegas to this District for pretrial hearing and trial." *Id.* at 1. Additionally, in support of the motion, "Mr. Dallmann submit[ed] that his attendance at the pretrial hearing, August 13, 2021, is necessary, and his attendance at trial, commencing on August 17, 2021, is required." Although the motion and statement wherein did not fully comply with the Court's order, they substantially provided notice of Mr. Dallmann intent to not only voluntarily appear for trial on August 17, but to arrive days earlier to attend the August 13 pretrial hearing, which is not compulsory, not subject to the Court's notice order, and is waivable. Notwithstanding, Mr. Dallmann respectfully submits the attached signed affidavit confirming his previously express intent to appear for the August 17 trial date voluntarily. *See Exhibit A.*

Similarly, undersigned counsel acknowledges that Mr. Dallmann is without a travel itinerary and has yet to arrive in the Eastern District of Virginia; however, we respectfully submit there is no intention to violate any of the Court's orders intentionally or willfully. As explained above, the issue of alternative lodging is new and has yet to be resolved. The Court is well aware that Mr. Dallmann resides in Las Vegas, Nevada, and has no existing housing in Alexandria, Virginia, or the Metro Washington Area. Since the Court issued the order on Friday, August 6, counsel, Mr. Dallmann, and Pretrial Services have considered lodging options. As to date, the issue is still pending; however, as undersigned counsel explicitly stated to Mr. Gillespie during our August 10 telephone call, Mr. Dallmann will be here for trial. This statement remains accurate and has never changed.

As directed in the Court's August 10 order (Dkt. 619), Mr. Dallmann and undersigned counsel promptly inform this Honorable Court that Mr. Dallmann is not in the Eastern District of Virginia and does not intend to be in the Eastern District of Virginia on August 10, 2021. We acknowledge that we have yet to arrange the airfare travel with the United States Marshal Service for the reasons stated above. However, the August 10 arrival date, seven days before trial, was Mr. Dallmann's request so he could arrive early. Again, his clear and express intent to voluntarily appear not only for trial but for the pretrial hearing and attorney-client meetings. His non-arrival today is not a violation of the Court's order. Instead, it is more of an unfortunate consequence of the United States Marshal Service not providing lodging, subsistence, or per diem expenses for the time Mr. Dallmann will be in the District. Mr. Dallmann's most recent Pretrial Status Report, filed on August 10, 2021, that states "the defendant has remained in compliance with his conditions of release since his reinstatement on bond in October 2020" corroborates his compliance with the Court and Pretrial.

The Court's August 10 order also orders Mr. Dallmann to inform the Court whether he will be here tomorrow, August 11, 2021, at noon. Undersigned counsel will advise the Court tomorrow on whether the United States Marshals Service can arrange travel and have Mr. Dallmann arrive by said deadline.

Wherefore, Mr. Dallmann, through counsel, respectfully requests this Honorable Court accept his notice and grant his motion.

Respectfully Submitted,
KRISTOPHER DALLMANN
By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2021, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties.

/s/

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